

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Mr. Christopher Chunn

USDC SDNY
DOCUMENT
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DATE FILED: 12/1/14

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

Amtrak
DEA officer Alex Colon
Special Agent John Hannon
P.O. Coleman
P.O. Looney
Supervising John Doe, Agent

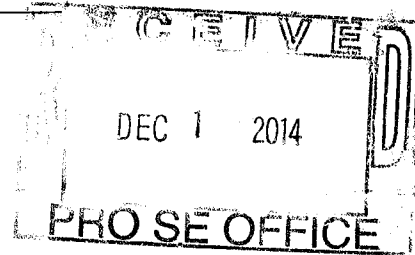
**AMENDED
COMPLAINT**

under the Civil Rights Act,
42 U.S.C. § 1983

Jury Trial: ☒ Yes ☐ No
(check one)

14 Civ. 6140 () (PAC)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)



I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff's Name **Mr. Christopher Chunn**
ID# **441-12-08715**
Current Institution **A.M.K.C. Correctional Facility**
Address **18-18 Hazen Street**
East Elmhurst, N.Y. 11370

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name **Amtrak** Shield #
Where Currently Employed
Address **34th Street Penn Station**
New York, N.Y. 10001

Defendant No. 2 Name P.O. Coleman Shield # _____
 Where Currently Employed Amtrak
 Address 34th Street Penn Station
New York, N.Y. 10001

Defendant No. 3 Name P.O. Looney Shield # _____
 Where Currently Employed Amtrak
 Address 34th Street Penn Station
New York, N.Y. 10001

Who did
what?

Defendant No. 4 Name D.E.A. Agency Shield # _____
 Where Currently Employed _____
 Address 99 10th Ave., New York
New York, N.Y. 10011

Defendant No. 5 Name D.E.A. Alex Colon (officer) Shield # _____
 Where Currently Employed D.E.A. Agency
 Address 99 10th Ave.
New York, N.Y. 10011

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?

N/A

B. Where in the institution did the events giving rise to your claim(s) occur?

N/A

C. What date and approximate time did the events giving rise to your claim(s) occur?

On September 15, 2011, at approx. 6:00 AM

D. Facts: SEE ATTACHED STATEMENT OF FACTS:

What
happened
to you?

Was
anyone
else
involved?

Who else
saw what
happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

Loss of Money

Pain & Suffering

Mental Anguish

Emotional Distress

Prevention of moving to North Carolina

Cruel and Unusual Punishment

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes _____ No **XX**

STATEMENT OF FACTS:

On September 15, 2011, I was arrested by the Amtrak Police Officers P.O. Coleman and P.O. Looney for Assault and Resisting Arrest. I had \$10,000 dollars in my front pocket along with my bank receipt showing the money I had was withdrawn from the bank. I could not take the money with me so officer's Coleman and Looney confiscated it along with my bank receipt.

I was informed by them that I could come pick up my money upon my release. When I was released from custody I went back to the Amtrak station to get my money and receipt, however, a light skinned Spanish lady told me that the Drug Enforcement Agency came and confiscated my money.

She also explicated to me that I would receive a letter in the mail explicating how to get my money back, however, I never received any letters in the mail.

I am not sure who the D.E.A. staff was that confiscated my money. I am told by Assistant United States Attorney, Kirti Vaidya Reddy, that DEA Task Force Officer Alex Colon, and Special Agent John Hannon are the agents responsible for the confiscation of my currency. I would like for Officer Colon and Agent Hannon to be included into this action.

I also would like for any supervising, John Doe, officer or Agent who gave the authorization or order for the above mentioned agents to take custody of my money and not return it to it's rightful owner (me) be held liable and included in this action also.

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ____ No ____ Do Not Know ____

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ____ No ____ Do Not Know ____

If YES, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ____ No ____

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ____ No ____

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

1. Which claim(s) in this complaint did you grieve?

2. What was the result, if any?

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

There was nowhere to file a grievance as a remedy.

2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any:

I have sent several letters to the D.E.A.
asking for my money, however, I have not received a
response. I also wrote the Attorney General Eric
Holder and Eric T. Schneiderman. I also sent a foil
request to the DEA Agency to release the 'ALLEGED'
certified letter the DEA Agency told me they sent me.
See Exhibits A & B

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. **Relief:**

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount).

\$10,000 for the money that was confiscated

\$150,000 for Pain & Suffering

\$50,000 in Punitive Damages

\$25,000 for Mental Anguish and Emotional Distress

\$25,000 because the confiscation of my money prevented me
from moving to North Carolina

Monetary damages in the total sum of \$260,000 dollars

VI. Previous lawsuits:

On
these
claims

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes _____ No **XX**

B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____
 Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes _____ No _____

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____
 Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes _____ No _____
If NO, give the approximate date of disposition _____
7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 28 day of November, 2014.

Signature of Plaintiff

Christopher Chun

Inmate Number

441-12-08715

Institution Address

A.M.K.C. CORRECTIONAL FACILITY
18-18 Hazen Street
East Elmhurst, N.Y. 11370

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 28 day of November, 2014, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Christopher Chun

Exhibit A

6-13-2014

TO: Eric T. Schneiderman

On Sept 15, 2011 i was arrested for resisting arrest and trespassing by the Amtrak police. In 34th street penn station New york, which i pleaded guilty to community sevice. At the time of my arrest i had ten thousand four hundred dollars in my pocket that i took out the bank the prior week. Once i was release i went back the Amtrak poliee station to get my money withn my recipt, they told me the D.E.A came and picked up my money, and i would get something in the mail on how to get my money back, but i never did now they said my money has been forfeited, and disposed of because i didn't resposed to a letter that i never recieved iam still in shock about never getting my money baek when i had my bank recipt in my pocket with my money. How was the D.E.A able to keep my money with out a crime being committed about my money, why was my money taken? please help me get my money back.

THANK YOU

Christopher Oh

Sworn to before me
this 13th day of June 2014
CHELSEA G. TREASURE-CAMPBELL
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01TR6140637
QUALIFIED IN BRONX COUNTY
COMMISSION EXPIRES JANUARY 30, 2017

Exhibit A

7-1-2014

TO: Eric Schneiderman

I am writing requesting your help in a matter, i sent a letter to the Albany office dated 6-13-2014, addressing my issue about the D.E.A taking my money for no reason. I also sent a F.O.I.L to the D.E.A to send me a copy of the certified mail that was sent out both times, ive gotten no response please help me.

THANK YOU

X-Christopher Chmy

Exhibit B

TO: THE DUTY DEPT
ON SEPTEMBER 15, 2011 I WAS ARRESTED FOR TRESSPASSING AND RESISTING
ARREST AT 34th STREET PENN STATION NEW YORK, NEW YORK. I WAS CARRYING
\$10, THOUSAND AND 4 HUNDRED DOLLARS IN MY POSSESSION ALONG WITH
MY BANK RECIEPT. WHEN I WAS RELEASED I WENT TO GET MY MONEY BACK
AND THEY SAID THE D.E.A. CAME AND TOOK MY MONEY. I THEN CONTACTED
THE D.E.A. AND THEY TOLD ME I WOULD RECIEVE SOMETHING IN THE MAIL
ON HOW TO GET MY MONEY BACK, IN WHICH I NEVER DID. I NEED ASSIST-
ANCE WITH GETTING MY MONEY BACK, PLEASE ASSIST ME IN THE RIGHT DIR-
ECTION IN RETRIEVING MY MONEY.

THANK YOU
GOD BLESS

x Christopher Chur